



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do NOT use for expedited rule making

Agency: Department of Ecology A.O. #05-12

Subject of possible rule making: Amend existing provisions in Chapters 173-18, 173-20, 173-22, and 173-27 WAC pertaining to the Shoreline Management Act (SMA). Topics proposed for amendment include, but are not limited to: definitions; rules describing "jurisdiction" (coverage) of the Shoreline Management Act; permit thresholds and procedures; and other amendments to ensure conformity with existing statutes, NOAA guidance, and hearing board and court decisions. Other updates are proposed to improve clarity of administration.

Statutes authorizing the agency to adopt rules on this subject: Chapter 90 58 RCW Shoreline Management Act.

Reasons why rules on this subject may be needed and what they might accomplish: The existing rules delineating "Shorelines of the State" have not been systematically updated since adoption in the 1970's. Beginning in 2006, Ecology will be reviewing and approving updated Shoreline Master Programs, which will include updated maps and descriptions of Shorelines of the State. Revision of the rules is necessary to preclude any apparent conflict between the updated maps contained in new Ecology-approved Shoreline Master Programs and the outdated rule lists of Shoreline water bodies. In addition, state and federal statutes have been amended and Ecology is amending the rules listed above to ensure conformity with these changes. Outcome of Hearing Board and court cases on point with the existing rules need to be incorporated to ensure conformity with the case decisions. Additional revisions are proposed to improve clarity of administration.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: The Department of Ecology is the state agency that regulates this subject area. The proposed amendments will not directly affect other state agencies.

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
- ☐ Pilot rule making
- ☐ Agency study
- ☒ Other (describe) Consultation with counties, cities and other interested parties regarding the proposed revisions

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Information will be provided on the Ecology web site. Initial comments from an earlier CR-101 on the topic will be incorporated into the proposed rules. There will be public hearings when the draft rules are issued.

For more information, contact:

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